

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TYNISHA FOSTER,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23-CV-770 RLW
)	
GROUND EFFECTS, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This closed matter is before the Court on Plaintiff’s Motion for Leave to File Amended Complaint Out of Time. (ECF No. 8). The Court will deny the motion for the reasons below.

Plaintiff filed this action on June 14, 2023. (ECF No. 1). The Complaint asserted federal jurisdiction based on diversity of citizenship. *Id.* at ¶¶ 1-4. On June 22, 2023, the Court issued an order explaining that Plaintiff failed to properly establish Defendant’s citizenship. (ECF No. 6). The Court granted Plaintiff fourteen days to amend the Complaint. *Id.* The order stated: “if Plaintiff does not timely and fully comply with this Order, this matter will be dismissed without prejudice for lack of subject-matter jurisdiction.” *Id.* Plaintiff did not comply with the order and the Court dismissed the action without prejudice on July 7, 2023. (ECF No. 7). Plaintiff filed the present motion two days later. (ECF No. 8).

Because this is a closed matter, the Court construes Plaintiff’s filing as a motion to reopen. Plaintiff does not identify the standard for such a motion or establish that the standard has been met. What is more, the Amended Complaint—which Plaintiff attached to her Motion for Leave—does not cure the deficiencies identified in the Court’s Order Concerning Jurisdiction. (ECF No. 8-1). Specifically, Plaintiff does not identify the individual members of Ground Effects, LLC, or

disclose their citizenship. *Id.* Thus, even if Plaintiff identified the proper standard, her efforts to amend would be futile.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File Amended Complaint Out of Time is **DENIED**. (ECF No. 8).

A handwritten signature in cursive script, reading "Ronnie L. White", is written over a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 6th day of November, 2023.